

UNIVERSITY OF TENNESSEE RESEARCH
FOUNDATION and SAINT MATTHEW
RESEARCH, LLC,

Plaintiffs,

v.

AMAZON.COM, INC. and AMAZON WEB
SERVICES, INC.

Defendants.

V.

AMAZON.COM, INC. and AMAZON WEB SERVICES, INC.)
)
)
 Defendants.)
)
)

Plaintiffs' Complaint should be dismissed under Rule 12(b)(3), or transferred to a proper venue under 28 U.S.C. § 1406(a), because Plaintiffs do not allege, and cannot show, that either Defendant resides in or "has committed acts of infringement and has a regular and established place of business" in this District. 28 U.S.C. § 1400(b). In addition, Plaintiffs' Complaint fails to allege facts plausibly supporting Plaintiffs' allegations of patent infringement under the pleading standard recited in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). For that reason, it should also be dismissed under Rule 12(b)(6).

This Motion is supported by the following documents which are filed contemporaneously herewith: (1) Declaration of Dennis Wallace; (2) Declaration of Michael A. Valek and Exhibit B-1 thereto; and (3) Declaration of Bo Thomas. In further support of this motion, Defendants rely on their Brief in Support of Their Motion to Dismiss or Transfer for Improper Venue and for Failure to State a Claim, filed herewith.

Therefore, for the reasons stated herein and in the other documents filed in support of Defendants' motion, Defendants respectfully request that the Court grant their Motion to Dismiss or Transfer.

Dated: August 31, 2017

Respectfully Submitted,

/s/ Mark N. Reiter

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Attorneys for Defendants Amazon.com, Inc., and Amazon Web Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Mark N. Reiter
Mark N. Reiter